

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2005 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #2771 - Pine Lake Community Unit Plan (CUP)

PROPOSAL: Amend the CUP by adjusting the front setback to allow a sign facing S. 84th Street for the Pine Lake Golf and Tennis Club.

LOCATION: 6601 South 84th Street

WAIVER REQUEST: Adjust the required front setback in the AGR district from 20' to 6' to allow a sign.

CONCLUSION: The purpose of the sign would largely be defeated if it were located in compliance with the Zoning Ordinance due to the topography and existing landscaping. This adjustment is a reasonable accommodation to allow a sign that otherwise complies with the requirements of the district, and should not negatively impact neighboring properties.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached ownership certificate.

EXISTING ZONING: AGR - Agricultural Residential

EXISTING LAND USE: Open space associated with the Pine Lake Golf Course and Golf and Tennis Club House

SURROUNDING LAND USE AND ZONING:

North:	Single-family Residential	AGR
South:	Single-family Residential	AGR
East:	Single-family Residential	AGR
West:	Pine Lake Golf Course and Tennis Courts	AGR

HISTORY:

On **June 11, 2001**, City Council approved an amendment to the community unit plan to allow a reduction in the front yard setback from 50' to 30' on Lot 20, Pine Lake Addition.

On **November 8, 1999**, City Council approved Special Permit #277-G which permitted wireless communication antennae on an existing water tower within the CUP.

On **October 25, 1999**, City Council approved Special Permit #277-F, which reduced side yard setbacks on Perry Circle from 15' to 10'.

On **November 16, 1998**, Special Permit #277-E that approved an adjustment from a 40' to a 35' front yard and from a 10' to a 5' side yard on Lot 3, Block 3, Pine Lake 5th Addition was approved.

On **April 6, 1987**, Special Permit #277-D that revised the lot layout along South 84th Street was approved.

On **February 3, 1986**, Special Permit #277-C was withdrawn.

On **June 24, 1985**, Special Permit # 277-B that adjusted the front yard setback from 50' to 40' and the side yard setback from 15' to 10' on Blocks 3, 4, & 5, Pine Lake 5th Addition was approved.

This property was converted from A-A Rural and Public Use to AGR Agricultural Residential in the **1979 Zoning Update**.

On **February 9, 1976**, Special Permit #277-A that changed the side yard setback from 15' to a 5' on those lots less than 90' in width measured at the 30' front yard line and to 10' on those lots 90' or more in width on Blocks 1 through 5, Pine Lake 5th Addition was approved.

On **September 8, 1964**, Special Permit # 277, Pine Lake CUP was approved.

On **July 17, 1961**, Special Permit #209 Pine Lake CUP was approved.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive designates this area for low-density residential uses and green space.

TOPOGRAPHY: South 84th Street is approximately at the top of the ridge line at this location. The high point on this lot is where it abuts South 84th Street, decreasing in elevation to the

tennis courts located just west of this outlet. There is a depression on the north portion of the outlet.

TRAFFIC ANALYSIS: South 84th Street has been rebuilt in this area, including the realigned intersection with Highway 2. The Pine Lake Golf and Tennis Club has retained a driveway access onto South 84th Street.

ANALYSIS:

1. Signs are allowed in AGR for non-residential uses provided they do not exceed 70 square feet in area, do not exceed 8' in height, are spaced more than 150' apart, and are not located within a required front yard.
2. The front setback in AGR is 50', with an exception that allows for the sum of the distance from the centerline of the abutting road plus the setback to not be more than 80'. There is 60' of right-of-way west of the centerline at this location, which requires a 20' front yard setback for this property.
3. This request seeks to adjust the front yard setback from 20' to 6' to allow for a sign identifying the Pine Lake Golf and Tennis facility.
4. The previous identification sign was recently removed as part of the South 84th Street improvement project. The proposed sign is intended to replace it in approximately the same location. There are no records of permits approving the previous sign, either by building permit or as part of the CUP.
5. The terrain is sloping from east to west, with South 84th being the high point. There is significant landscaping on the adjacent residential properties along South 84th Street which provide screening. Some of the landscaping is new, but much of it is mature evergreens.
6. Sited 20' from the property line, the sign would be on the slope of the depression that is located on the north portion of the outlet. If the property is lower than the roadway, the height of the sign is calculated from the street grade. At that setback distance the sign would also be obscured by the existing mature evergreens. The trees provide screening from the ground up, and serve to create a limited sight triangle for viewing the sign from the street.
7. The applicant notes that the posted speed along South 84th Street is 45 m.p.h, and that a limited sight triangle does not provide enough lead time for drivers to see the sign and slow down to make the approach to the driveway.

8. Other signs permitted in a front yard include apartment complex or subdivision signs, provided they are part of a landscape plan approved by the Planning Director. Additionally, they must not exceed 20 square feet in area or 6' in height. The provision allows two signs at each entrance, and an additional sign near the corner of each arterial street intersection.
9. If approved, this amendment only adjusts the front yard setback and does not approve a specific sign. Any sign erected on site must receive an approved sign permit from the Building and Safety Department. It should be noted that the elevation provided as part of this application shows a sign approximately 72 square feet in area, which is two square feet more than allowed in the AGR district. It must not exceed 70 square feet to meet the requirements of the Zoning Ordinance.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits an adjustment to the front yard setback from 20' to 6' to allow a sign for the Pine Lake Golf and Tennis Association.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 A revised site plan including 5 copies showing the property lines and their dimensions for Outlot J, and the location of the sign on the outlot including the setbacks from the sign to property lines.
 - 2.2 The construction plans comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before the sign is erected all development and construction is to comply with the approved plans.

- 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Brian Will
Planner
July 18, 2005

APPLICANT: Pine Lake Golf and Tennis Club
6601 South 84th Street
Lincoln NE 68516

OWNER: Pine Lake Association
6241 East Shore
Lincoln, NE 68516

CONTACT: Cathie Miller
6701 South 84th Street
Lincoln, NE 68516



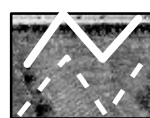
2005 aerial

Special Permit #2771I S. 84th & Pine Lake Rd.

Zoning:

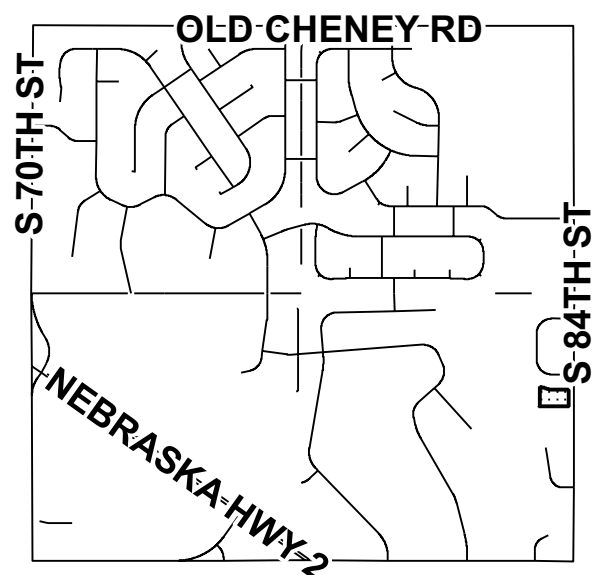
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 15 T9N R7E

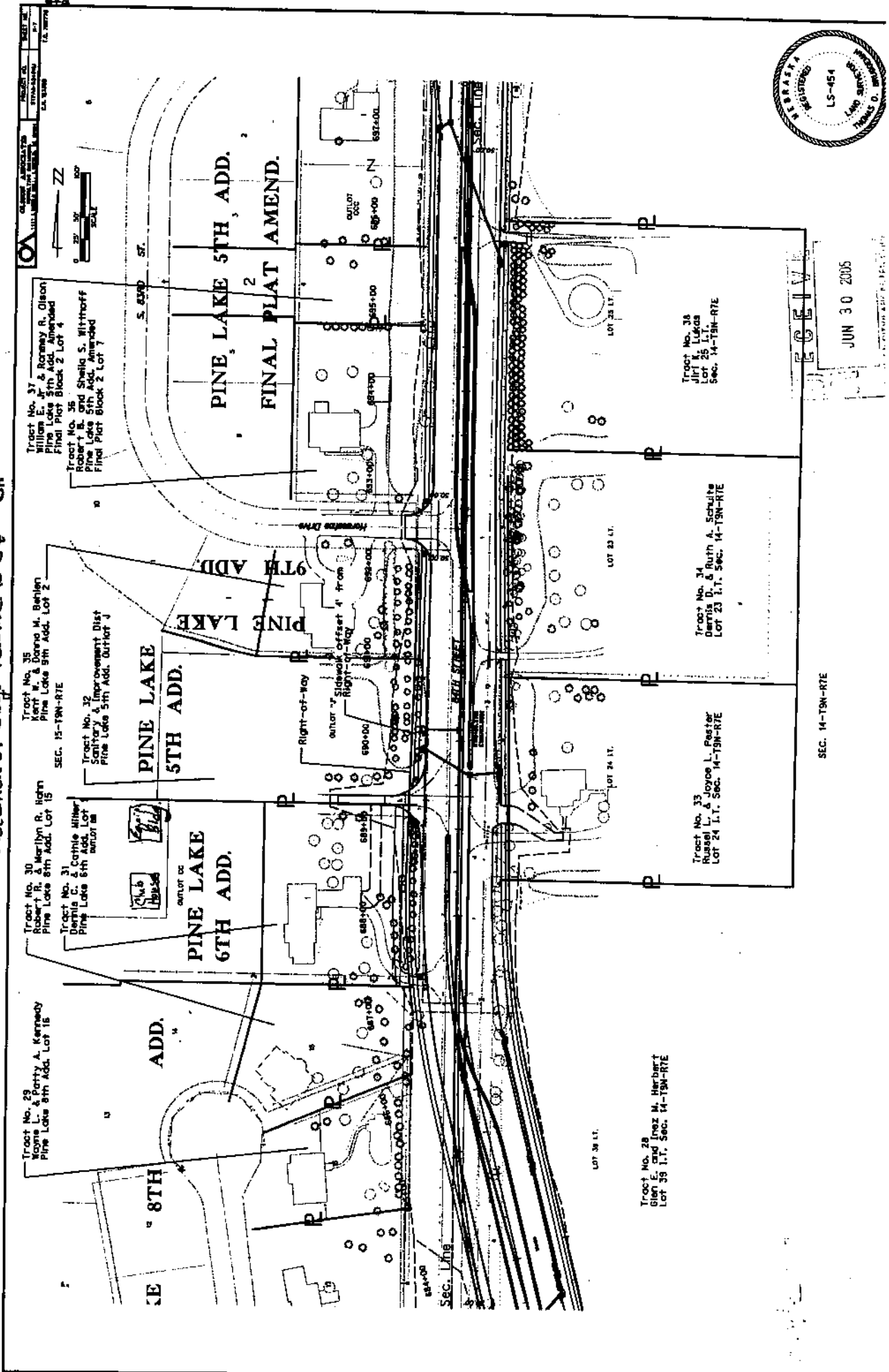


Zoning Jurisdiction Lines

City Limit Jurisdiction



Location of bldgs. relative to 8th St.



Sign placement

RECEIVED
JUN 30 2005

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

1" = 40'

Tract No. 32
Sanitary & Improvement Dist
Pine Lake 5th Add. Outlot J

OUTLOT "J"

5.00
C.M.P.
Unknown
= 1396.73

Sign

5.0'
sidewalk

4.0'
to ROW

5.8'
(varies)

84TH STREET

Sta. 231+05.38
18" x 24" C.M.P.
Inlet FL. = 1398.16
Outlet FL. = 1397.82
(Silted)

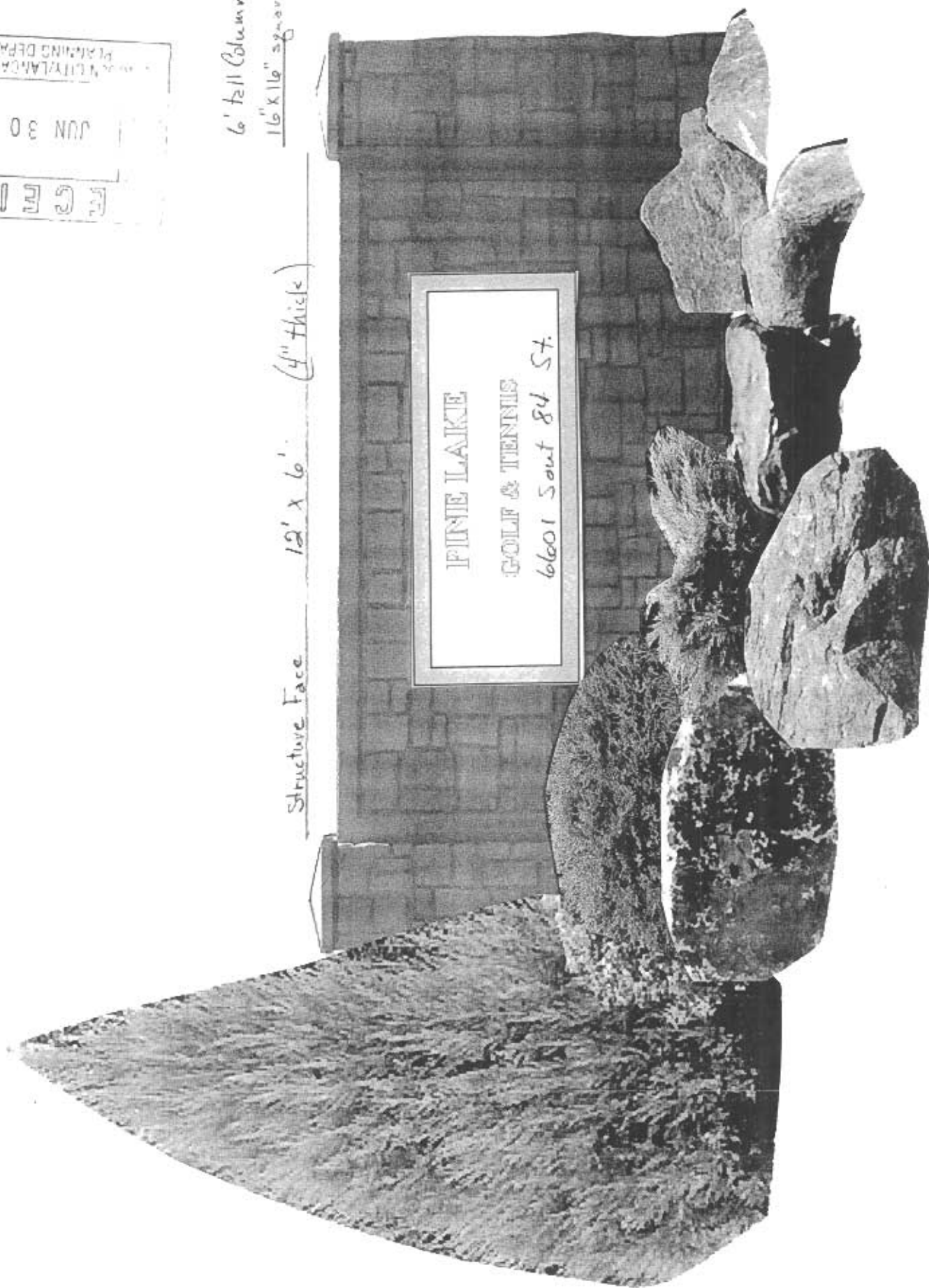
Sta. 235+16.48
18" x 24" C.M.P.
Inlet FL. = 1397.82
Outlet FL. = 1396.73

RECEIVED
JUN 30 2005
SAN JOSE PLANNING DEPARTMENT

6' tall Column
16" x 16" square

Structure Face 12' x 6' (4" thick)

FINE LAKE
GOLF & TENNIS
6601 Sout 84 St.



SPECIFICATIONS:

FABRICATE & INSTALL (1) S/F ALUMINUM SIGN PANEL WITH DIMENSIONAL LETTERS & VINYL BORDER.

GEMINI™ INJECTION MOLDED DIMENSIONAL LETTERS HAVE A MANUFACTURERS LIFETIME GUARANTEE AGAINST FADING OR BREAKING.

SIGN PANEL TO MOUNT FLUSH TO CAST BLOCK.

1.24" x 9.75" Finished Extruded Aluminum (Polar Extruded) on welded 1.0" Sq. Tube Frame.
(4) attachment points into cast block.

6.5"

3'-0"

7'-6"



Times Bold
Injection Molded Plastic Letters
#2750 Metallic Gold Finish
Steel Mounted Flange

Metallic Gold 75" Border

6.0"

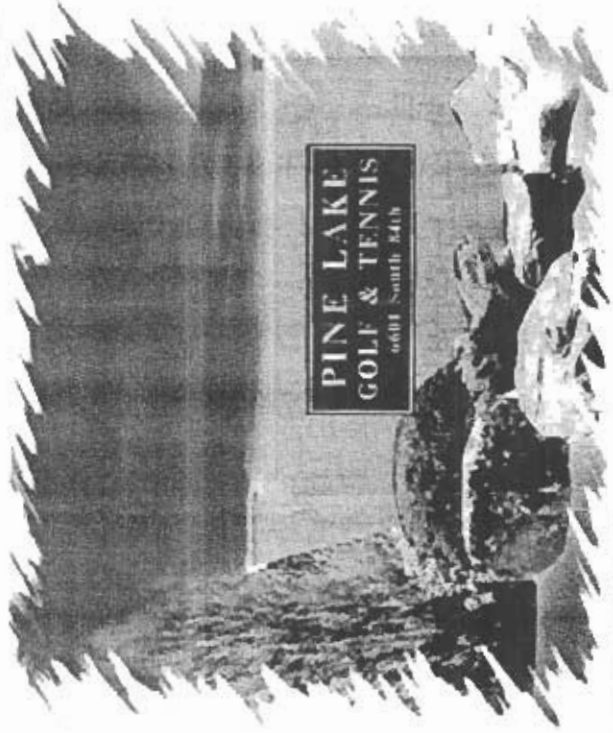
6.0"

4.0" x 2.60"

3'-0"

JUN 30 1993

PAID



PINE LAKE
GOLF & TENNIS
6601 South 84th

OPTION: A

DIMENSIONAL LETTERS ON ALUMINUM PANEL

SCALE: 3/8" = 1'-0"



CLIENT:	PINE LAKE GOLF & TENNIS
JOB ADDRESS:	6601 S. 84TH, LINCOLN, NE 68516
CONTACT:	CATHIE MILLER PH. 402-89-7230 (C) 428-7230
DATE:	04-20-95
DESIGN & SALES PERSON:	pine.lake.golf&tennis 1 DON DENTON
DESIGNED BY:	DON DENTON

PH: 402.467.1110 FAX: 402.467.1161 E-MAIL: express2@alltel.net 4931 N. 57th, Ste. 5, Lincoln, NE 68507

June 29, 2005

Honorable City Council
City of Lincoln
555 South 10
Lincoln, NE 68508

RE: Outlot J, Pine Lake 5th Addition, LLCN

Honorable City Council Members:

Pine Lake Golf & Tennis Club requests the Council to adjust the front set back to allow a sign, as designated by the applicable AGR, on Outlot J of Pine Lake 5th Addition, LLCN.

Pine Lake Golf & Tennis Club is a not-for-profit, mutual benefit corporation. Pine Lake Association members elect the board members with the majority of board members required to be Association members. The club house is located at 6601 South 84 Street with the golf course and tennis courts open to the public.

The 84th Street construction project undertaken by the City of Lincoln in 2004 demolished the previous sign, a sign "grandfathered" as it did not meet current code. For right-of-way and construction purposes the City also removed the trees that fronted 84th Street on the above mentioned outlot. The Board of Directors for Pine Lake Golf & Tennis Club have approved funding for replacement of landscaping lost to roadway construction and for the proposed installation of a replacement sign that meets current codes.

We are requesting an adjustment to the front yard setback down to 6' for allow for a sign for several reasons. A sign located 50 feet back from the lot line of Outlot J, a 169 feet wide lot, would have limited visibility to automobile traffic traveling at 45 mph on 84th Street. Mature trees and landscaping on the adjacent north and south lots further limits visibility. A sign located 50 feet from this lot line, as determined by AGR sign codes, would require a pole sign between 25 feet to 30 feet tall to overcome the original natural depression in this lot and the additional height of the new road surface of 84th Street. Neighbors have expressed an unfavorable view of a pole sign. The attachment of signage to the club house or the equipment building would be more than 300 feet back from the lot line along 84th Street, rendering this option useless. A map showing the location of the club house and equipment building (located on outlot BB, Pine Lake 6th Addition) in relation to 84th Street is attached.

The proposed sign will run east/west and be placed 6 feet from the east lot line on 84th Street and 50 feet from the south lot line. A map showing the placement of the proposed sign is attached.

The sign structure is a precast concrete panel, six feet high and 12 feet wide. The panel will be held in place by a precast six foot tall, 16" x 16," capped column (with footings)

on both ends. An aluminum sign panel (7'6" x 3') will be mounted on both sides of the panel. A copy of the specifications for the sign panel along with a rendering of the sign structure and surrounding landscaping is attached.

We, Cathie & Dennis Miller, are the designers and installers of the landscaping project for Pine Lake Golf & Tennis Club. As the neighbor located directly to the south of Outlot J at 6701 South 84 Street we are also impacted by the completion of this project. The placement of a new sign that meets city codes and can easily be seen by the public will resolve many of the traffic safety issues we have witnessed during our 29 years of residence. By funding this project, Pine Lake Golf & Tennis Club shows their commitment to continue to be good neighbors.

We thank you for your time and consideration of this matter.

Sincerely,

Cathie Miller
Dennis Miller
Pine Lake Golf & Tennis Club

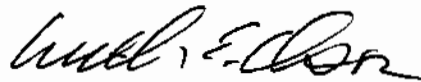
JUL 13 2005

CERTIFICATE OF OWNERSHIP

The undersigned, William E. Olson, Jr., Attorney at Law, hereby certifies as follows:

1. William E. Olson, Jr. is an attorney duly licensed and practicing law in the State of Nebraska under Bar # 13145, with offices at Suite 800, 134 South 13th Street, Lincoln, Nebraska 68508. The undersigned is general counsel for Pine Lake Golf and Tennis Club, a Nebraska non-profit corporation..
2. The undersigned is familiar with the real estate described as: Outlot "J", Pine Lake 5th Addition, located in the Southeast Quarter of Section 15, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska (the "Property"),
3. The Property is owned by Pine Lake Association, a Nebraska non-profit corporation, in fee simple and is leased to Pine Lake Golf and Tennis Club on a 50 year lease with a 50 year renewal term under a lease dated July 1, 2002.
4. There are no lien holders holding liens of any kind against the Property.

Dated: July 13, 2005



William E. Olson, Attorney, Bar # 13145